

SUMMARY OF NO. 15-25

The proposed law would generally permit the cultivation, possession, and use of marijuana by persons age 21 and older within Massachusetts and would remove existing criminal penalties for such activities.

Under the proposed law, cities and towns could not impose additional requirements or restrictions on such personal use by adults, but could limit public consumption of marijuana to the same extent that they limit open containers of alcoholic beverages in public.

The proposed law would make it a crime to deliver marijuana to a person under 21 who is not the child, grandchild, ward, or spouse of the defendant. The measure would impose criminal penalties for knowingly allowing underage persons to consume marijuana on premises owned or controlled by the defendant, and for intentionally causing the ingestion of marijuana without a person's consent, for leaving marijuana unattended in a public place, and for failing to secure plants and marijuana from an under-age person who is foreseeably present on the premises.

The proposed law would provide that lawful conduct regarding marijuana could not be the primary basis for supporting allegations of abuse or neglect in child welfare proceedings and would not constitute misconduct for the purpose of awarding child custody or visitation rights. It would

prohibit employers from treating employees' off-duty consumption of marijuana differently from off-duty consumption of alcoholic beverages, unless the employer establishes that federal monetary benefits would be jeopardized as a result.

The proposed law would apply retroactively where constitutionally permissible, including to unpaid civil citations for possession of one ounce of marijuana or less and to pending criminal charges alleging possession or cultivation of marijuana or distribution thereof where no profit motive was involved.